

REMARKS

Claims 8-10, 18-20, and 23-45 are pending in the application. Claims 8-10 and 23-45 are withdrawn from consideration as being directed to non-elected inventions. In the final Office Action of September 6, 2007, the Examiner made the following disposition:

- A.) Rejected claims 18 and 19 under 35 U.S.C. 103(a) as allegedly being unpatentable over *Roosendaal, et al.*
- B.) Rejected claim 20 under 35 U.S.C. 103(a) as allegedly being unpatentable over *Roosendaal, et al.* in view of *Kubota, et al.* and *Kitagawa, et al.*

Applicants respectfully traverse the rejections and address the Examiner's disposition below.

- A.) Rejection of claims 18 and 19 under 35 U.S.C. 103(a) as allegedly being unpatentable over *Roosendaal, et al.*:

Applicants respectfully disagree with the rejection.

Applicants submit herewith a revised affidavit under 35 U.S.C. 131.

Applicants respectfully submit that *Roosendaal* cannot render obvious claim 18, because *Roosendaal* is not a proper reference under 35 U.S.C. §102. Specifically, Applicants' claimed application has an invention date that is at least as early as February 26, 2002, which is before *Roosendaal's* U.S. filing date of August 26, 2002.

The present application claims priority to Japanese Application No. 2002-333364 ("the JP '364 application"), which was filed in Japan on November 18, 2002. The JP '364 application is a continuation application of Japanese Application No. 2002-049163 ("the JP '163 application"), which was filed in Japan on February 26, 2002. Several months after the JP '364 application was filed, the JP '163 application was abandoned. Therefore, the JP '163 and JP '364 applications were copending and actively prosecuted for several months in Japan. The Examiner states that JP 2002-049163 was "abandoned prior to the filing of the JP '364 application." *Office Action of 9/6/2007*, page 3. This is incorrect. As stated in the revised affidavit submitted herewith, the JP '163 was copending and actively prosecuted after the JP '364 application was filed.

The JP '163 and JP '364 applications share a similar specification. The subject matter claimed in claims 18-20 of the present application was disclosed in the JP '163 and JP '364 applications. Therefore, the subject matter of claims 18-20 was invented at least as early February

26, 2002, which is the filing date of the JP '163 application.

Additionally, regardless of whether the JP '163 and JP '364 applications were copending in Japan, the JP '163 application still is effective to show earlier conception of the invention as of at least as early as February 26, 2002. Although there was no lapse or abandonment of the applications in this case, any lapse or abandonment of the applications clearly would not have been an abandonment of the claimed subject matter of the invention under 35 U.S.C. 102(g) as the subject matter was quickly (if not continuously) pursued in the JP '364 application and the present U.S. application.

Applicants submit herewith an affidavit under 35 C.F.R. §1.131, which provides additional information and support for Applicants' conception date at least as early as February 26, 2002, and reasonable diligence from at least as early as 26 August 2002 to subsequent reduction to practice.

Accordingly, Applicants' claimed invention has an invention date that is at least as early as February 26, 2002, which is before *Roosendaal's* U.S. filing date of August 26, 2002. Thus, *Roosendaal* cannot be used as a reference to render obvious Applicants' claimed invention.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

B.) Rejection of claim 20 under 35 U.S.C. 103(a) as allegedly being unpatentable over *Roosendaal, et al.* in view of *Kubota, et al.* and *Kitagawa, et al.*:

Applicants respectfully disagree with the rejection.

Claim 18 is allowable over *Roosendaal* as discussed above. As *Roosendaal* is not a proper 35 U.S.C. §102 reference, *Roosendaal* cannot be combined with *Kubota* and *Kitagawa* to render obvious claim 18. Therefore, *Roosendaal* in view of *Kubota* and *Kitagawa* still fails to disclose or suggest claim 18.

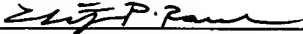
Claim 20 depends directly or indirectly from claim 18 and is therefore allowable for at least the same reasons that claim 18 is allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 18-20 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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